

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Harry A. DUGGER III et al.

Serial No.: to be assigned, continuation of serial      Group Art Unit: 1616  
no. 10/230,060, filed August 29, 2002

Filed: September 29, 2003

Examiner:

For: BUCCAL, POLAR AND NON-POLAR  
SPRAY CONTAINING ZOLPIDEM

Attorney Docket No.: 11122-030-999

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent Office of all references coming to the attention of Applicants or attorneys or agents for Applicants which are or may be material to the patentability of any claim of the subject application, Attorneys for Applicants hereby direct the Examiner's attention to the references listed on the enclosed revised form PTO-1449 entitled "List of References Cited by Applicant."

The above-captioned application is a continuation-in-part of Application Serial No. 10/230,060 filed August 29, 2002, which is a continuation-in-part of U.S. Application No. 09/537,118, filed March 29, 2000, pending, which is a continuation-in-part of PCT application PCT/US97/17899 filed October, 1, 1997. The Examiner is directed to the files of the above-identified applications for copies of those references which were previously cited either by the Applicants in an Information Disclosure Statement or by the Examiner in connection with an Office Action. However, if the Examiner would prefer, copies of the previously cited references will be provided. A copy of reference C03 is enclosed as it was not been previously cited.

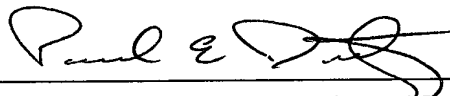
Identification of the foregoing references is not to be construed as an admission by Applicants or by Attorneys for Applicants that such references are available as "prior art" against the instant application.

Applicants respectfully request that the Examiner review the references and make them of record by completing and returning the enclosed List of References.

No fee is believed to be due for this submission. If any fees are due, however, Please charge such fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Date September 29, 2003



Paul E. Dietze (Reg. No. 45,627)  
For: Thomas G. Rowan (Reg. No. 34,419)

**PENNIE & EDMONDS** LLP  
1667 K Street, N.W.  
Washington, DC 20006

(202) 496-4400

**LIST OF REFERENCES CITED BY APPLICANT**  
(Use several sheets if necessary)

ATTY DOCKET NO.

11122-030-999

APPLICATION NO

To Be Assigned

APPLICANT

Harry A. DUGGER, III et al.

FILING DATE

September 29, 2003

GROUP

1616

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A01	6,110,486	08/2000	Dugger III	424	435	
	A02	6,071,539	06/2000	Robinson et al.	424	466	
	A03	5,981,591	11/1999	Deihl	514	568	
	A04	5,869,082	02/1999	Dugger, III	424	435	
	A05	5,955,098	09/1999	Dugger, III	424	435	
	A06	5,766,573	06/1998	Purewal et al.	424	45	
	A07	5,719,197	2/1998	Kanios et al.	514	772.6	
	A08	5,593,684	01/1997	Kramer	208	252	
	A09	5,519,059	5/1996	Sawaya	514	599	
	A10	5,474,759	12/1995	Fassberg et al.	424	45	
	A11	5,457,100	06/1993	Daniel	514	220	
	A12	5,456,677	10/1995	Spector	604	290	
	A13	5,428,006	06/1995	Bechgaard	424	45	
	A14	5,370,862	12/1992	Klokkers-Bethke et al.	424	47	
	A15	5,364,616	11/1994	Singer et al.	424	52	
	A16	5,186,925	02/1993	Cholcha	424	43	
	A17	5,135,753	08/1992	Baker et al.	424	435	
	A18	5,128,132	07/1992	Parnell	424	195.1	
	A19	5,047,230	09/1991	Nagy et al.	424	45	
	A20	5,011,678	04/1991	Wang et al.	424	45	
	A21	4,935,243	06/1990	Borkan et al.	424	441	
	A22	4,919,919	04/1990	Aouda et al.	424	45	
	A23	4,857,312	08/1989	Hegasy et al.	424	80	
	A24	4,755,389	07/1988	Jones et al.	424	456	
	A25	4,689,233	08/1987	Dvorsky et al.	424	455	
	A26	4,232,002	11/1980	Nogrady	424	25	
	A27	3,784,684	01/1974	Bossert et al.	424	37	
	A28	3,304,230	02/1967	Abramson et al.	167	82	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**LIST OF REFERENCES CITED BY APPLICANT**  
 (Use several sheets if necessary)

ATTY DOCKET NO.

11122-030-999

APPLICATION NO

To Be Assigned

APPLICANT

Harry A. DUGGER, III et al.

FILING DATE

September 29, 2003

GROUP

1616

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A29	3,155,574	11/1964	Silson et al.	167	54	

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	B01	WO 01/66089	09/2001	WIPO				
	B02	EP 0719549	07/1996	EPO				
	B03	WO95/24893	09/1995	PCT				
	B04	EP 0656206	06/1995	EPO				
	B05	WO94/13280	06/1994	PCT				
	B06	EP 0557129	08/1993	EPO				
	B07	DE4132176	04/1993	Germany (Abstract)				
	B08	EP 0605483	04/1993	EPO (Abstract)				
	B09	WO93/04671	03/1993	PCT				
	B10	DE4112303	10/1992	Germany (Abstract)				
	B11	EP 0504112	09/1992	EPO (Abstract)				
	B12	DE4038203	06/1992	Germany (Abstract)				
	B13	EP 0471161	02/1992	EPO (Abstract)				
	B14	WO 90/01046	02/1990	PCT				
	B15	EP 0315960	05/1989	EPO				
	B16	EP 0213 108	03/1987	EPO				
	B17	DE3246081	06/1984	Germany (Abstract)				
	B18	DE3338978	05/1984	Germany (Abstract)				
	B19	2,082,457	03/1982	Great Britain				

**OTHER REFERENCES** (Including Author, Title, Date, Pertinent Pages, Etc.)

C01	Rote Liste 1995 "Arzneimittelverzeichnis des BPI and UFA"
C02	Flemington Pharmaceutical Corporation webpage, www.flemington-pharma.com
C03	Goodman and Gilman's The Pharmacological Basis of Therapeutics, 9 <sup>th</sup> ed., pp. 471-472

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.